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In re Application of:	:	
NOORDERMEER, Leendert, J.	:	
U.S. Application No.: 10/534,154	:	DECISION ON PETITION TO
PCT No.: PCT/EP2003/012072	:	CORRECT FILING DATE
International Filing Date: 28 October 2003	:	(37 CFR 1.10(c))
Priority Date: 04 November 2002	:	
Atty Docket No.: DPQ-004US	:	
For: DISPLAY DEVICE COMPRISING A	:	
DEFLECTION UNIT AND A	:	
DERFLECTION UNIT FOR A	:	
DISPLAY DEVICE	:	

This decision is issued in response to the "Petition To Grant Original Filing Date Pursuant To 37 CFR 1.10" filed 02 June 2005. No petition fee is required.

BACKGROUND

On 28 October 2003, applicant filed international application PCT/EP2003/012072. The application claimed a priority date of 04 November 2002 and designated the United States. On 21 May 2004, the International Bureau (IB) communicated a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 May 2005.

In early May 2005, applicant filed via "Express Mail" a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, the authorization to charge Deposit Account No. 12-0080 the basic national fee. The USPTO assigned the submission a filing date of 05 May 2005.

On 02 June 2005, applicant filed the petition considered herein. The petition asserts that the materials initiating the present national stage application were deposited with the USPS as "Express Mail" on 04 May 2005 and that, pursuant to 37 CFR 1.10(c), the materials should therefore be accorded a filing date of 04 May 2005.

DISCUSSION

The national stage materials filed by applicant in May 2005, including the authorization to charge Deposit Account No. 12-0080 for the basic national fee, were accompanied by a

“Certificate Of Express Mailing Under 37 CFR 1.10” that: (1) itemized the filed materials; (2) identified the “Express Mail” label number (EV466147325US); and (3) identified the date the “Express Mail” envelope was deposited with the USPS (04 May 2005). The present petition includes a copy of the customer receipt for “Express Mail” number EV466147325US. This receipt bears the docket number of the present application, a “date in” of 04 May 2005, and a USPS stamp dated 04 May 2005. In addition, USPS tracking data for this “Express Mail” number confirms that the USPS accepted the “Express Mail” envelope on 04 May 2005.

Based on applicant’s statements in the present petition, the copy of the “Express Mail” label, and the USPS tracking data, it is concluded that the materials filed by applicant to initiate the present national stage application (including the payment of the basic national fee) were deposited with the USPS as “Express Mail” on 04 May 2005. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 04 May 2005.

It is noted that the corrected filing date of 04 May 2005 is prior to the expiration of thirty months from the priority date.

CONCLUSION

Applicant’s petition under 37 CFR 1.10(c) is **GRANTED**.

The correspondence initiating the present international application, including the authorization to charge Deposit Account No. 12-0080 the basic national fee, will be accorded a filing date of 04 May 2005, prior to the expiration of thirty months from the priority date.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including correcting the filing date of the basic national fee and accompanying materials for **04 May 2005**, and mailing a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.



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